

DENTAL BOARD

FINDING OF EMERGENCY

Application for Law and Ethics Examination for Dental Licensure

Amend California Code of Regulations Sections 1021, 1028, and Addition of Section 1028.4, 1028.5 and 1028.6 of Title 16 California Code of Regulations

The Dental Board of California (Board) hereby finds that adoption on an emergency basis of regulations concerning the application and examination process for individuals seeking dental licensure in California is necessary. The Board specifically finds these emergency regulations are necessary for the immediate preservation of the public health and safety, and general welfare of the citizens of California.

Specific Facts Showing the Need for Immediate Action

On September 30, 2006, Senate Bill 683 (ch. 805, Stats. 2006) was passed into law. SB 683 established new provisions for licensure for the practice of dentistry in California. One of the provisions of this bill requires that the board provide a separate application for the required law and ethics examination and that the only other requirement for taking this exam be a certification from the dean of the applicant's qualifying dental school that the applicant has graduated, or will graduate, or is expected to graduate.

Prior to the enactment of this new legislation, candidates applied for the law and ethics examination through their "Application for Examination for Licensure to Practice Dentistry" or "Application for Licensure to Practice Dentistry (WREB)", and the law and ethics examination was administered at California's clinical board exam or the WREB clinical exam. This legislation necessitates implementation of a separate application and examination process for the required law and ethics examination. This essentially prevents any new applicant from January 1, 2007 forward from obtaining a dental license in California. California consumers will be denied dental services that could be provided by these new licentiates, if they were able to obtain their licenses.

The attached proposed emergency regulations are therefore necessary for the health and safety, and general welfare provisions as required by Section 11346.1 of the California Government Code.

California currently only has an active licensure population of approximately 32,420 dentists, with an estimated statewide population of 35,893,800 (U.S. census Bureau) for the year 2004. This is an active ratio of over 1,100 citizens per single dentist. This population figure does not include those individuals who are residing in California but are not registered as citizens. The Board believes this situation will result in a restriction of access to care and thus a health and safety and welfare issue.

This will also pose a hardship to applicants who have completed all other requirements for licensure and are unable to obtain a license to practice dentistry because they are unable to complete the Law and Ethics exam requirement. Many of them are students with large student loans, and if they are unable to obtain their dental license they will have no way to make their living and repay their loans. Some may choose to move to other states rather than waiting for regulations in the ordinary course.

Upon passage of this legislation, and in anticipation of this problem, the Board has prepared implementing regulations both for the Emergency regulatory action as well as regulations in the ordinary course. The regulations in the ordinary course will implement other provisions of the bill.

Authority and Reference:

Authority: Sections 1614, 1632, 1724 and 1724.5, Business and Professions Code.

Reference: Sections 1614, 1628, 1628.5, 1632, 1646.6, 1647.15, 1715, 1716.1, 1718.3, 1724 and 1724.5, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law authorizes the board to regulate the issuance of dental licenses and specifies the requirements for licensure. These regulations will update current regulations to allow applicants to apply for and complete the required law and ethics examination for California dental licensure, which is mandated by statute as of January 1, 2007, but is not currently in regulation. These regulations will implement those provisions of SB 683 and allow application, collection of fees, and establish the processes necessary to allow applicants to complete their required law and ethics examination and thereby be issued a California dental license.

Statutory Requirement

Senate Bill 683, (Chapter 805 in the 2006 Legislative Session), effective January 1, 2007, imposed a requirement on the Board's licensing application process that mandates a separate law and ethics examination with no other requirement than a certification from the dean of the qualifying dental school attended by the applicant that the applicant has graduated, or will graduate, or is expected to graduate.

The proposed regulations are necessary to implement the statutory mandate, and to enable qualified individuals to take the California law and ethics examination that is a requirement for issuance of a California dental license.

FISCAL IMPACT STATEMENTS

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None

Mandate on Local Agencies or Schools:

No local mandates or reimbursements are required as a result of the regulations.

Business Impact:

The board has determined that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Dental Board of California has determined that this regulatory proposal would not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: none

Cost Estimate:

The Dental Board has determined that the regulation will involve no measurable costs or savings to any State agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State.